

## Preface

There is abundant evidence attesting to the need for additional park and recreation services and facilities in the United States. During the past 20 years, voters in most jurisdictions in the U. S. have consistently approved bond issues resulting in the acquisition of substantially more park acreage and recreational facilities. Still, during this same time period, every survey of public park and recreation practitioners that has sought to identify the field's major issues and challenges has reported that lack of finance is at the top of their list (Compton 1999). Gallatin County's growth and the associated increases in the need for parks and recreation services means the citizens of Gallatin County must address these same issues.

Much of Gallatin County outside the boundaries of incorporated towns has joined the ranks of suburbia. Many long time residents of Gallatin County, including some of the members of this Task Force, aren't enthusiastic about these changes. But they have occurred. Like it or not, the evidence says these kind of changes will continue. The 1970 Census listed Gallatin County's population as 32,505 with 9,774 or 30% of the County's population living outside of the five incorporated towns. The 2000 census showed that the County's population had increased to 67,831 with 30,293 or 45% of the County's population living outside of the five incorporated towns. This Census listed 1,100 as employed in farming and ranching and the County still contains some of the most productive farms and ranches in the State. However, the rich economy of Gallatin County has grown and become more diversified.

The economic and employment significance of nonagricultural activities continues to increase and that's the major reason why the County's population is growing. What's the most likely future for Gallatin County? The population of Gallatin County has been predicted to reach and probably exceed 100,000 by 2025. At that time, at least 50,000 County residents or one half of the County's population will probably live outside the five incorporated towns.

The challenging question is, "Will the Gallatin community be able to provide the services and amenities that have made this such a great place to live?" If the answer to this question is to be "Yes", we face some major challenges. Gallatin County residents will have to pay more for roads, schools, libraries, health care services, fire protection, law enforcement and jail space to mention a few of increased demands generated by growth and change. And if Gallatin County is to continue to be a great place to live, that list of needs must include more parks, trails and recreation programs.

The people living out in the County have relied on the incorporated municipalities to pay for most of the costs of parks and recreation programs. If the County's population had stayed near the 1970 level, this system would probably continue to work. Given recent and expected growth in the County's population, that's too much to expect. In the future, is it reasonable to expect half of the population living in the municipalities to pay for the bulk of the added parks, trails and recreation programs that will be demanded by a growing County population? Even if this could be done, would this system be fair? Gallatin County needs to reconsider the role it will play in providing parks, trails and recreation for the growing and changing Gallatin community.

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## Parks and Trails Task Force Members

### MISSION STATEMENT

**To plan for the acquisition, development, maintenance, administration, and funding of a system of interconnected parks and trails that provide a wide range of recreational opportunities, programs, and services for Gallatin County.**

### MEMBERS:

Ron Dingman - Bozeman  
Patrick Finnegan - Three Forks  
Bill Fogarty - West Yellowstone  
Linda Griffith – Four Corners  
Don Jackson – Bozeman Donut Area  
Terry Lonner – Bozeman Donut Area  
Dick McConnen - Bozeman  
Clarice Walters - Belgrade  
Gary Weiner (technical advisor)  
Joyce Zacher - Manhattan

County Staff: Mike Harris, Open Lands Coordinator  
Christina Thompson, Commission Assistant

The Task Force met once or twice a month between April 15, 2003 - July 13, 2004.

## Executive Summary

The Task Force recommends the creation of a County Board of Park Commissioners that will have two main responsibilities. First, the Board will oversee the administration and development of County parks, trails, and recreation facilities. Second, the Board will develop a framework for collaboration so that the County, incorporated towns and other groups can work together to provide the most effective parks, trails and recreation system possible for the entire Gallatin community.

A strong parks, trails, and recreation system is essential for a thriving community. Parks and trails give a vital identity and are a major element of family-friendly communities. They help individuals and families reduce stress and build a healthy lifestyle. Parks, trails, and recreation facilities have the ability to enhance property values. They have the ability to help attract and retain businesses that generate good jobs and expand the tax base. They also encourage tourists to visit and stay longer in our community.

The need for parks, trails and recreational facilities increases as the County's population increases. However, the supply of accessible recreational opportunities has not kept pace. The recreational opportunities based on access to private lands have diminished as land is subdivided and the landowners become more concerned about securing the amenity values of private land. State statute requires that each county and city subdivision dedicate a minimum area for parkland. Many times in the past, the dedicated parkland was not developed, public access was limited and even developed facilities were not adequately maintained. In situations such as this, the dedicated parkland will contribute little to the quality of life for the Gallatin Community. Recently the situation has improved, particularly with the greater involvement of homeowners associations. Even with the organizational and financial involvement of user groups, there is a gap between the need and availability of certain facilities. This is particularly true for activities that draw participants from across the County and that need facilities such as softball and baseball fields, soccer fields and other facilities such as for swimming, Frisbee variants and model airplane clubs.

If we are to realize the potential of parkland and trail corridors to help make the Gallatin community a better place to live, comprehensive plans for parks, trails and recreation facilities must be developed. These plans must be based on the needs of the entire Gallatin community. In addition, we need to find a way to finance these facilities. Gallatin County must play a major role in providing an effective system of parks, trails and recreation facilities for the citizens of our community.

Understanding the urgency of this situation, the Gallatin County Commission appointed a Task Force on April 1, 2003 to research administrative structures and funding mechanisms for the acquisition, development, maintenance, administration and funding for a system of interconnected parks and trails. A well-organized system will ensure that the Gallatin Community can provide a wide range of recreational opportunities, programs and services for all its citizens.

Since its inception, the Task Force has reviewed information relating to parks and trails - including surveys, needs assessments and legislation. They reviewed master plans from local municipalities and other counties throughout the state and considered several alternative structures with corresponding funding options.

This report serves as a tool for the Commission to implement a feasible plan and create a countywide parks and trails system that will benefit everyone including municipalities, subdivisions, school districts, developers, community groups, and all individuals living in or visiting Gallatin County. The Task Force intends that this report lead to a plan that will foster collaboration and generate enthusiasm for the future of a county parks and trails system among all those beneficiaries.

## Preferred Alternative

Whereas all of the options reviewed have some pros and cons available, there is one constant that can be agreed upon; the Status Quo will not suffice as Gallatin County continues to grow. We will continue to see expansion of city limits although there is more growth outside the incorporated municipalities. Under existing conditions there will always be a discrepancy between parks and trails maintained from the fines, fees and taxes on people who live inside the cities and people who live outside the city limits who enjoy those facilities but do not pay to use them.

Based on extensive review of the funding and administrative options available for Parks and Trails in Gallatin County, the Parks and Trails Task force offers the following preferred recommendations:

- 1). Form a County Board of Park Commissioners (Appendix B and E).
- 2). Update the Current 1989 Gallatin County Recreation Plan (Appendix A).
- 3). Use Open Lands Program Resources to Provide Administrative Support.
- 4). Change Current Legislation on Funding Options to Enable Use of a Fee Per Household (Appendix D).

### **County Board of Park Commissioners**

After reviewing all potential funding mechanisms and administrative options available to Gallatin County under state law, the Task Force recommends creation of a County Board of Park Commissioners (MCA Sec. 7-16-2324) to oversee and advise the commission on issues related to parks, trails and recreation (Appendix B). Montana law provides the Board of Park Commissioners an increased ability to adapt current and future needs of parks, trails and recreation countywide. The Board of Park Commissioners can be appointed from specific jurisdictions by the county commission. We recommend that a 7-member board be created to consist of an appointed member by each of the 5 municipalities in the county, West Yellowstone, Bozeman, Belgrade, Three Forks, and Manhattan. A preference should be given to qualified individuals who administer local parks and recreation facilities in their designated area. The final two members should be appointed at large as deemed appropriate by the commission.

A County Board of Park Commissioners has the responsibility to oversee the current problems faced by the county in developing and administering parks and recreation programs. One of the benefits of a board of park commissioners is the ability to provide equal representation to specific geographic areas of the county. **The board of park commissioners can be quickly implemented and have the protections and support of county government.**

Because the Board of Park Commissioners would not have authority to pass a levy for parks or a fee per household, only the administrative function would be addressed. However, the funding needs would still be a problem. The Board of Park Commissioners would need a public funding measure other than a bond to fund the operation of parks.

To fully fund the Board of Park Commissioners, the commission under its authority would have to submit a mill levy to the voters asking for approval. (MCA 7-16-101) The mill levy, since it is based on the taxable value, tends to be more resisted politically as it tends to impact commercial and business property more than it would impact the average home. The fee per household would have less impact on larger tracts of land and businesses and is financially more closely related to the demand for parks and recreation. Assessing a fee per household would have to be added to MCA 7-16-101 through a legislative amendment. Politically, this may be easier than removing the “opt out” provision from the Parks Districts.

### **Update the Current 1989 Gallatin County Recreation Plan**

We recommend that the newly created Board immediately address the current and future needs of parks and recreation in Gallatin County through an update of the 1989 Recreation Plan, the County’s most current adopted policy (Appendix A). The first priority would be to update and complete the Goals and Objectives listed in the current Recreation Plan. Of the 17 recommended objectives in the Recreation Plan, only one is currently being addressed to its fullest potential: Objective 10 “Establish and preserve natural and open space areas....” The County Open Lands Program currently addresses this objective and we recommend that they continue to focus on that objective and the Board of Park Commissioners focus specifically on parks and recreation. Although other objectives have been addressed or implemented in the past, they are not being considered to their full potential with continued growth and development in the county. For this reason the Task Force recommends that the newly formed Board of Park Commissioners should undertake development of a comprehensive county Park and Recreation Master Plan. This plan should update and address the remaining 16 objectives of the current Recreation Plan. We also recommend that the Gallatin County Trails Plan be implemented and encourage the commission to adapt this plan into the Subdivision Regulations.

In order to conduct the master plan study the county should work with a qualified organization to determine overall needs for parks and recreation in the Gallatin Valley. This study should be undertaken with input by existing parks and trails programs in county and municipal governments and outline priorities for types of facilities needed, trail connectivity, and future park locations. Funds should be sought through grants from outside sources to implement the master plan with supplemental funding coming from the Planning Department.

Completion and Adoption of the Master Plan will provide a better understanding of funding needs for Parks, Trails and Recreation.

### **Use Open Lands Program Resources to Provide Administrative Support**

The commission upon creating the Board needs to identify a budget, funding source, and staff for this Board. Currently, the Open Lands Coordinator has been the acting administrator to the commission on matters related to parks in the county. Because the Open Lands Program has an administrative structure and funding mechanism already in place, we believe that the Open Lands Program offers at least an initial source of

administrative funding by using money from the Open Lands license plate sales for the new board until supplemental funding becomes available.

We recommend that the Open Lands Coordinator continue to oversee administration of existing parks and recreation issues. In addition to the Coordinator working during the interim, we believe that the Board will need additional staff to work with the board to implement the strategies recommended by this task force. We encourage the commission to appoint a part time staff person as the Parks Board Liaison.

#### **Change Current Legislation on Funding Options to Enable Use of a Fee Per Household**

The preferred funding option is to raise money by a fee per household tax, but current legislation only allows a bond as the only funding option (MCA: 7-16-2102) (Appendix D). During the interim, the Park Commissioners need to address legislative changes that are needed in state law that might make funding for parks and recreation potentially easier with a lesser impact and more equitable. Assessing a fee per household would have to be added to MCA 7-16-101 through a legislative amendment. Politically, this may be easier than removing the “opt out” provision from the Parks Districts. By so doing, the voters will have a clear understanding of the amount they must pay annually for parks and recreation.

Once legislative changes and the Master Plan have been completed and adopted the board will need to determine the appropriate amount of the fee-per-household and when to put the measure on the ballot. The timing of this tax could coincide with the November 2006 General Election. Thus, the Master Plan assessment needs to begin at once.

## Other Alternatives

Other alternatives contain stand-alone funding and administrative options that may be useful if combined, and we encourage the Board of Park Commissioners to consider elements of the alternatives listed below they may find useful.

### **Status Quo - No Administration**

Currently Gallatin County has no central entity to oversee parks and trails issues in the county. The task has been farmed out to different departments as they encounter needs and requests from the public. Among these departments are the Weed Department, Planning and Open Lands.

The county has a limited inventory of county owned parklands. The inventory is mixed with three types of parklands: public lands, public dedicated lands, and lands dedicated to a subdivision. The county lacks a significant enumeration of numbers of parks in each category, how many are inside the limits of another municipal government, or maintained by a government or nonprofit entity. Additionally the county has no inventory of parks having been developed, parks in need of development, or county parklands actually needing funding for construction, operation, or maintenance. The County Weed Department maintains 25 parks annually for weed control. From time to time the Weed Department is contacted by the public requesting maintenance on a parcel of county lands. This is the extent to which the county has assisted in maintaining parks.

Under the Planning Department the County Planning Board reviews some subdivisions and serves in an advisory capacity to recommend to the commission on planning-related issues that fall outside incorporated areas, areas of other planning jurisdictions, or special districts. In 1999 the Planning Board developed the Trails Advisory Committee. A subcommittee was appointed to inventory all existing trails in the county and outline a proposal for future trail development within the county that would link with other trails systems within municipalities. In 2001 the Planning Board adopted a completed Trails Plan as an advisory and reference document. The Trails Advisory Committee currently reviews new subdivisions within the county planning jurisdiction for any potential connection or opportunity to create new trail linkage based on the Trails Plan.

The Planning Department reviews all subdivisions not located within a municipality or under the jurisdiction of another inter-local management agreement. The State of Montana regulates the parkland dedication through subdivision the subdivision process. The Planning Department has also administered the “Cash-In-Lieu” funds received from developers who prefer to pay cash to the county rather than dedicate specific parklands in their subdivisions. Due to minimal requirements under state law and the willingness of developers to dedicate parklands through subdivision rather than Cash-In-Lieu funds have been limited in the county. The county currently has \$50,000 in Cash -In -Lieu of parkland and has not granted funds in over 2 years. Subdivisions reviewed by the planning department or planning board need a final decision rests with the Commission within the county in areas not incorporated or within special districts.



The Gallatin County Open Lands Board serves as an advisory body to the County Commission and the Open Lands Program. Formed in 1999 as recommended by the Open Space Task Force, the board is charged with making recommendations on land conservation issues and conservation easements. Their primary responsibility is to review and recommend which projects will receive funds from the \$10-million Open Space Bond, which was passed by the voters in 2000.

The Mission of the Gallatin County Open Lands Board is to work with the County Commissioners and the citizens of Gallatin County to preserve natural lands and encourage the economic viability of agriculturally productive lands. This is accomplished through voluntary programs, which ensure the protection of open-space lands, either in perpetuity or for a term of years, and through identification or establishment of funding sources, tax measures or other incentives.

The primary goals of the Open Lands Program are to conserve farm and ranch land, conserve wildlife habitat, and to protect and preserve the quality and quantity of water resources. Secondary goals include preserving scenic resources, helping manage growth and development, and maximizing the potential for recreation. A 100-acre regional park was purchased with the Open Space Bond in 2002.

The Open Lands Coordinator has advised the Commission on issues related to the overall challenges of parks, administration of the Regional Park, and future development of parklands. The Open Lands Coordinator at the direction of the Open Lands Board and the Commission addresses parks issues only in a secondary capacity since it is clearly not the primary goal of the Open Lands Program.

With current growth in the county demand for services and recreation facilities will increase. Whether those demands will be on the county or if they will continue to be within the private subdivisions and municipal governments remain unclear. Regardless of where the demand falls, it is clear that the whole of the county, municipalities, and private subdivisions all have a potential need for additional funding for parks and recreation.

Although some cities have parks departments or maintain parks within their boundaries, parks exist within municipal jurisdictions that are actually county-owned but not maintained by the county.

It is clear that the Status Quo is insufficient to fund and administer County parks and trails. The county lacks a system to track new parks as developed through subdivision or a suitable classification system to delineate between parks dedicated for the public and parks dedicated to the subdivision. The county has been allowing parks to be dedicated to subdivisions for years because they lack funds or administrative structure to take care of parks dedicated to the public. Subdivision parks are the responsibility of the homeowners association within the subdivision.

## **County Park District**

(MCA Sec. 7-16-2401-2431) A County Park District is established to operate, maintain and improve park and recreation lands within the designated territory (Appendix C). Proposals for a county park district may be initiated by a petition signed by 10% or more of the qualified electors within the proposed park district or by a resolution of the county governing body. A district may then be created by a ballot initiative. Park Districts are established within a specific boundary. The boundaries may be countywide or within a limited area as defined by the voters.

A Parks District has a separate governmental status from the County Commission. After approval by the voters the commission appoints members to the parks commission for a term of two years. After the first term of the park commissioners are elected by a simple majority of the populace residing within the boundaries of the district. Park Commissioners are elected for a term of four years.

Park Commissioners have the authority to employ or contract with administrative, professional, and other personnel necessary for operation of the district; lease, purchase, or contract for the purchase of personal property, buildings and facilities on lands controlled by the district and equipment to operate and maintain such buildings and facilities; adopt resolutions and collect fees for services and facilities provided by the district as the commission considers necessary for the prudent operation of the district; adopt resolutions for the operation and administration of all parks and recreational facilities under its control; establish a tax revenue source through a property tax mill levy or a fee per household for the operation of the district; and accept donations of land or recreational-type easements on land within the district for park or recreational purposes in the name of the county.

Voters may perceive elected Park Commissioners positively or negatively depending on individual preference. On the upside voters hold commissioners accountable. However, the downside—there is no guarantee that elected commissioners will possess technical experience and expertise to oversee park matters that a Commission-appointed board may have. Additionally, elected park commissioners provide no guarantee of representation for any particular area that may fuel a political issue between rural and larger incorporated areas.

The use of a Park District has significant potential as a funding and administrative structure for parks and recreation in the county. First the district must be formed by a vote of the people within the boundary. This allows flexibility to either consider a countywide park district or define the boundaries surrounding a specific municipality. For example, a district could be formed surrounding the doughnut area of the City of Bozeman or the City of Belgrade. Second, the district allows a greater variety of funding measures such as a mill levy or a simpler fee per household.

A fee per household is the most appealing for several reasons. A fee can be more easily defined and accepted by the voters. The annual fee is not subject to change on an annual basis like a mill levy would be. Additionally, it taxes everyone on an equal basis regardless of the value of the individual property or business.

The major drawback in the use of a Park District stems from a provision in Montana Law that allows those persons within a park district who want to petition and vote themselves out of the district to do so. Essentially this provision would mean that the boundaries of the district could change each year and you would have individual houses within a district “opting out” of the district, but allowing those to use the facilities in that district. This provision would make it difficult to keep the boundaries accurate, be costly to administer, would raise issues of fairness, and would not give an accurate depiction of the revenue the district will have available due to potential constant changes in the district makeup.

In order to consider a Parks District as a viable solution to the county parks issues the law must be changed to remove the “opt out” provision. Although possible, this may not be simple to accomplish and there is no knowledge of when that change might take place.

### **County Parks and Trails Advisory Board**

Similar to a County Board of Park Commissioners, the county commission through a resolution may create an advisory board. The commission can appoint the board based on a specific need and its representation is based on that need. Although similar to other boards the advisory board is limited in its power. The citizens’ advisory board expresses a voice to the commission based on the will of the people. However, unlike the Park District or Board of Park Commissioners, the advisory board has no specific duties or legal responsibilities. Their recommendations are not binding on the commission.

Additionally, this body is given absolutely no authority to fund itself. Funding would be at the will of the county and would have to be received out of the county general fund until some other special appropriation or tax revenue became available. Under current budget situations the concept of additional funds even for administration of the advisory board would be difficult to achieve. The movement for parks must find a funding source in order to exist. Although this may suit our needs in the interim, we will quickly see the need for a more directed and enforceable entity to oversee parks.

The advisory board would most certainly need another departmental entity to conduct business on their behalf. They have no oversight over employees and no authority to actually address maintenance needs. A functional advisory board would need to be coupled to a county parks department as an advisory entity and would need a new source of funding.

The only funding option available to meet the potential maintenance needs of parks and recreation in this county would be through a levy for parks. This puts an advisory board in the same situation as a Board of Park Commissioners, with limited ability to make and enforce rules. To address the funding scenario under this administrative form would require Legislative changes. An advisory board probably would not sufficiently meet public needs if we consider the scope of work to be accomplished on parks in Gallatin County.

## **County Parks Department**

A Parks Department, funded through the general fund and user fees, is a separate, stand alone, county department similar to the County Road and Bridge Department, with a specific budget to staff and maintain parks and trails in Gallatin County.

A county parks department is made up of specialized professional employees that are responsible for day-to-day maintenance and planning of parks and trails in the county, creating recreational programs, hiring seasonal employees and volunteers, and maintaining an annual budget. One large unknown factor is the specific need for a parks department. Does a need exist for another department to be formed with the administrative costs, personnel, benefits, liabilities, and equipment? Are there enough county-owned parklands to justify the need for a new county department? With a source of funding, the county might contract with other local businesses, nonprofit groups or governmental agencies to meet our maintenance need and at a reduced cost. This dilemma needs to be addressed by the county prior to investment in any new departments.

## **Merge with Existing Departments**

Open Lands Program, Fair Board, County Planning Board (Department), etc.

The Gallatin County Open Lands Program seeks to conserve important agricultural and natural resource lands for future generations. The Open Lands Program consists of the Open Lands Coordinator and the Open Lands Board who make advisory and administrative recommendations to the County Commission.

The Mission of the Gallatin County Open Lands Board is to work with the County Commissioners and the citizens of Gallatin County to preserve natural lands and encourage economic viability of agriculturally productive lands. This is accomplished through voluntary programs, which ensure the protection open-space lands, either in perpetuity or for a term of years; and through the identification or establishment of funding sources, tax measures or other incentives. The primary goals are to conserve farm and ranch land; to conserve wildlife habitat; to protect and preserve the quality and quantity of water resources. The secondary goal is to preserve scenic resources; to manage growth and development; and to maximize the potential for recreation.

The Open Lands Board is governed under the Open Space Land and Voluntary Conservation Easement Act (MCA 76-6-101) under which the county has two funding mechanisms, a bond or a levy. Bond funds are not permanent and once extinguished they have to be reauthorized by the public. Bond funds would not be sufficient to meet needs for construction, operation and maintenance of parks, as they are not permanent sources of funds.

Under the Open Space Act the county does have the ability by a vote of the people to authorize a levy for the parks, recreation and open space. However, these funds are limited to use on lands that have been designated under the Open Space Act. Currently

these potential levy funds could only be used on the Regional Park as it has been designated under the act. They could not be allocated to dedicated or public parks unless those parks had been re-designated as open space under the act. Doing so may limit the ability to lease, sell or exchange those lands in the future.

Additionally, “maximizing potential for recreation” is only a secondary goal for the Open Lands Program. That goal at its inception focused on possible acquisition of new parklands where needed, but more importantly was directed at increasing access to public and private lands. Currently, the direction of the Open Lands Board and the Open Lands Program is to focus on conservation rather than parks and recreation. The Open Lands Board and the County Commission have directed that a minimal amount of time be spent on the parks aspect of the Open Lands Program. Although opportunity in the short term may exist for the Open Lands Program to assist a new advisory board or Board of Park Commissioners a long-term administrative and funding solution is still needed.

Whereas conservation of open space and wildlife areas was in the adopted '89 Recreation Plan as well as the County Growth Policy, the Open Lands Program and the Open Lands Board are addressing these issues. With a specific concern needing to be addressed for parks and recreation, the county would not be well served by burdening the Open Lands Program with oversight of both parks and recreation.

Although the Fair Board, like the Open Lands Program has an existing entity in place for administrative options and limited sources of funds for operations, a similar situation exists as with the Open Lands Program. Whereas the Fairgrounds fulfill the need for some recreation, the merger of this entity with a parks department or park board would unlikely address the wide variety of problems needing to be addressed. Similar to the Open Lands Program the Fair Board operates under a different set of laws provided by the Montana Code. Trying to apply those same statutes and regulations to all parklands would be difficult.

Although the Fairgrounds might benefit by working closely with a parks department or board of park commissioners to share operating costs and maintenance of facilities and equipment, the specific administrative focus and governing bodies should remain separate. The Fairground's funding needs for operation and capital improvements should be carefully considered in any funding initiative that is proposed to the voters.

The County Planning Department must be a key player as we look at the overall need for parks in Gallatin County because it works with developers as subdivisions are proposed; within those plans are the parkland dedication requirements. Thus, planning should work closely with any parks program to look for ways to centralize parks within areas key to development to make larger more useful parks for all the public to enjoy.

It has been the current philosophy of the Planning Department and Planning Board that subdivision parks should be dedicated to the homeowners association. This stemmed from the county's inability to maintain parks within subdivisions. As the county grows we should consider abandoning this principle and instead ensure that any parkland dedicated through subdivision is open to the public or that dedication is not required if developers would help provide centralized parks in high-development areas.

Additionally, because of expertise of the planning department in community planning, the Planning Department should be directly involved in any Master Plan and Needs Assessment conducted for parks and recreation on a countywide basis. The commission should consider funding part or all of the Master Plan through Planning as parks is a critical component of the growth of our communities.

### **Inter-local Agreement with Local Municipalities**

To make the most efficient use of powers, local governmental units cooperate with other local governmental units to mutual advantage in providing services and facilities that will fit best with geographic, economic, population and other factors influencing the needs and development of local communities (MCA Sec. 7-11-101).

One or more public agencies may contract with any one or more other public agencies to perform any administrative service, activity, or undertaking to participate in the provision or maintenance of any public infrastructure facility, project, or service (MCA Sec. 7-11-104). A multi-jurisdictional service district may provide recreational programs other than park and recreation programs in a county park district (MCA Sec. 7-11-1102)

Once the need of parks in the jurisdiction of the county has been determined, we may find that Inter-local Agreements may be the simplest and most cost-effective way to manage parklands. Within the county we experience more and more growth outside of municipality jurisdictions. Currently, the county has no coordination with municipalities to create an interconnectivity of parks and trails within the community.

By using a series of park maintenance districts the municipalities may raise the funds to manage parklands both inside their legal boundaries and with a defined boundary, doughnut area for example, surrounding the incorporated community. By doing so the county would not need to create and support an administrative department in house. Instead, accompanied by a funding levy they may supplement funds to municipalities through Inter-local agreements based on the acreage being maintained by that entity.

Those parks further outside the management areas have generally been dedicated to the individual subdivision and as such fall under responsibility of a homeowners association. Since the public technically does not have legal access to these parks, then absence of a clear public benefit should preclude spending public money on them.

Although it might be difficult to determine if the use of Interlocal agreements would be the best form of administration for parks and recreation at this time, this should be considered as an option during the creation of any Master Plan for parks and recreation.

## County Parks & Trails Inventory Maps

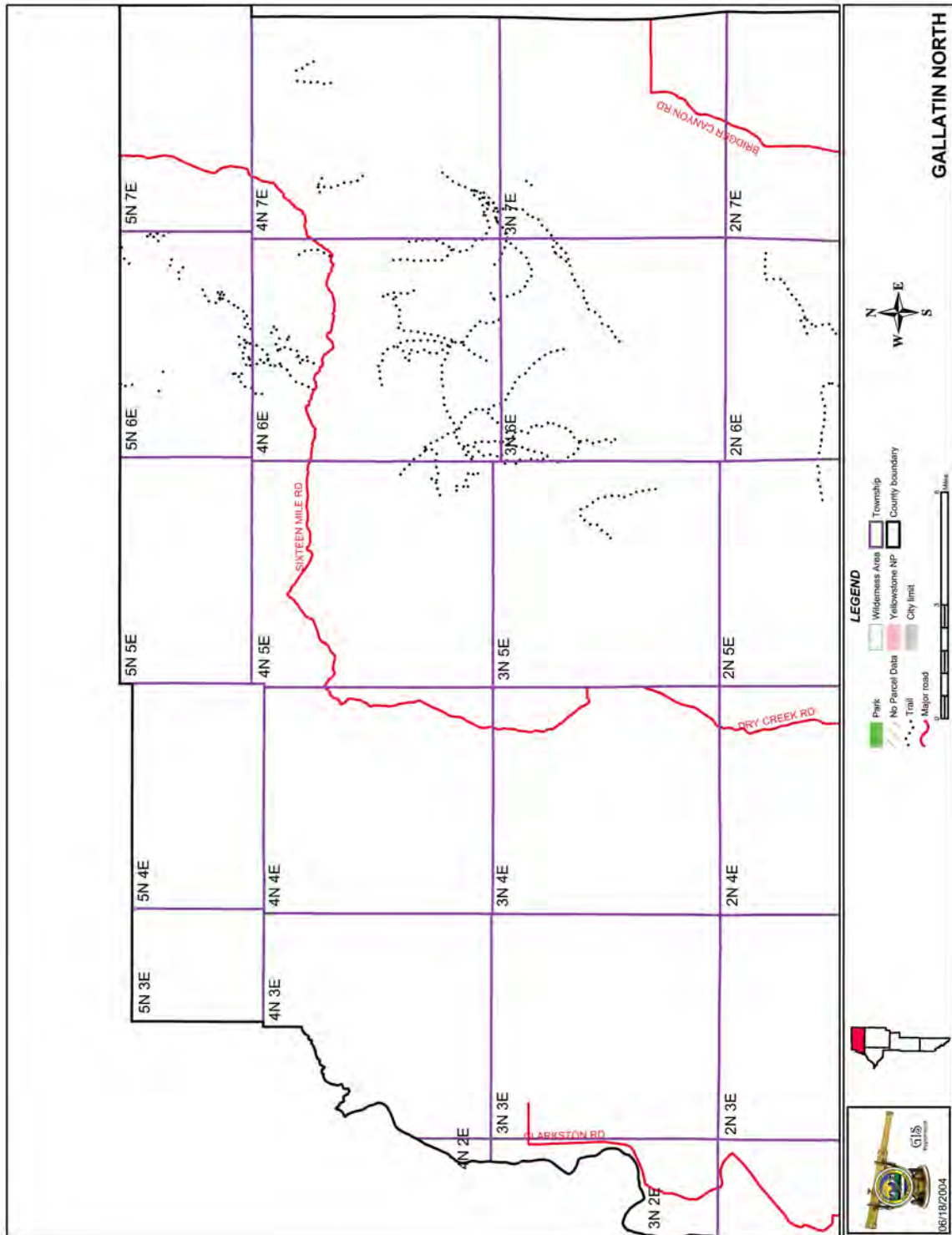
The most recent adopted inventory of county parks was completed in 1989. The names of these parks and their attributes are listed in the 1989 Gallatin County Outdoor Recreation and Open Space Plan. Currently, there are over 40 county owned parks and open space within the county totaling 350 acres of undeveloped land. Land dedicated to subdivisions and homeowners associations total over 245 acres.

With property being annexed into municipalities and parkland that is dedicated to the public within subdivisions, it is difficult to identify ownership of parks within the county.

We recommend that the 1989 county parks inventory be updated to clearly identify individual classification of parks i.e. public dedicated, homeowner dedicated or public owned. Additionally, we recommend the inventory include a classification system to identify types of park parcels for easy delineation by the county G.I.S. department. We also see the need to continually update the County Trails Plan to ensure implementation.

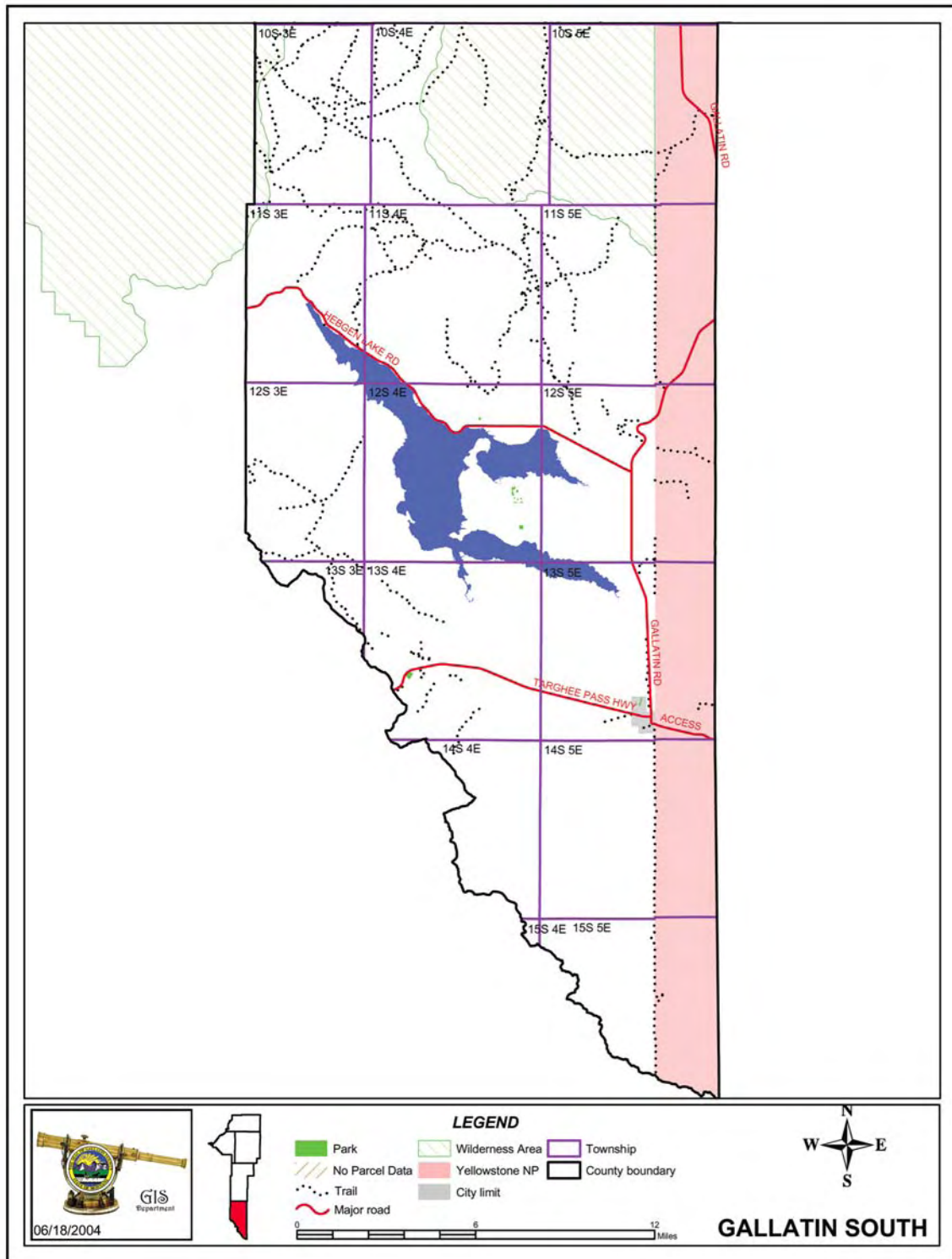
Five regions of the county are mapped in this section: Gallatin North, Gallatin South, Gallatin Canyon, Gallatin East, and Gallatin West.

# Gallatin North

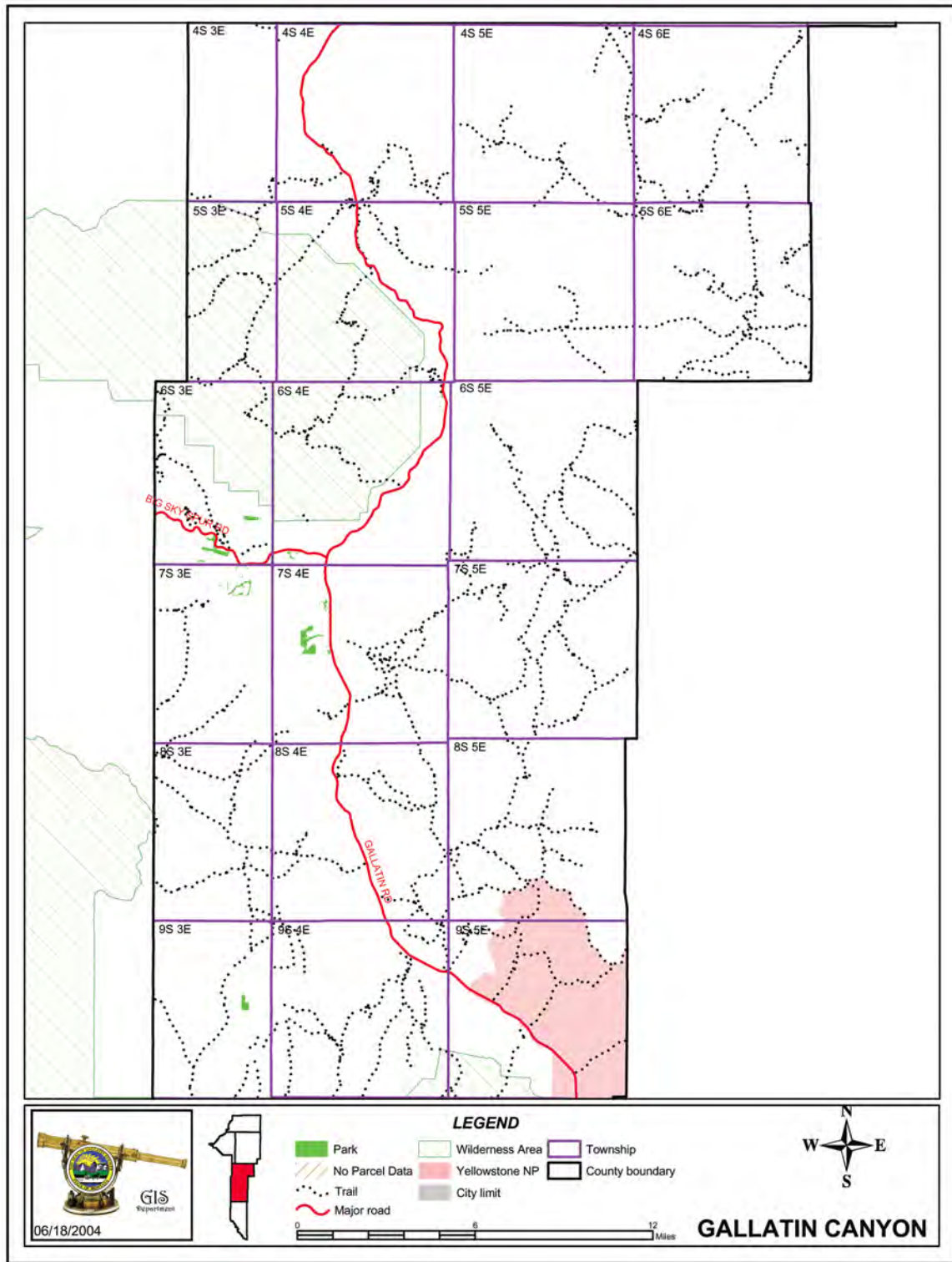




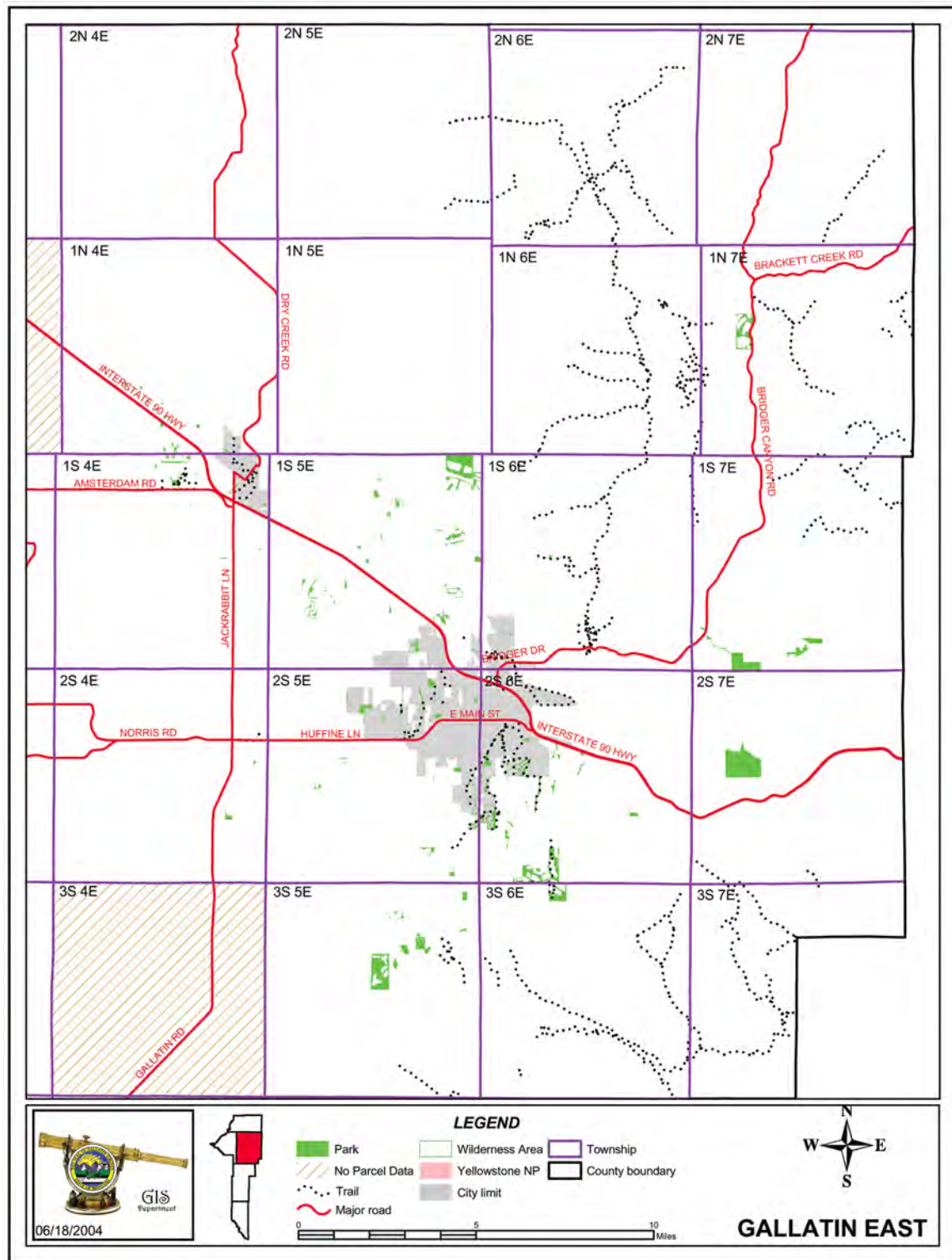
# Gallatin South



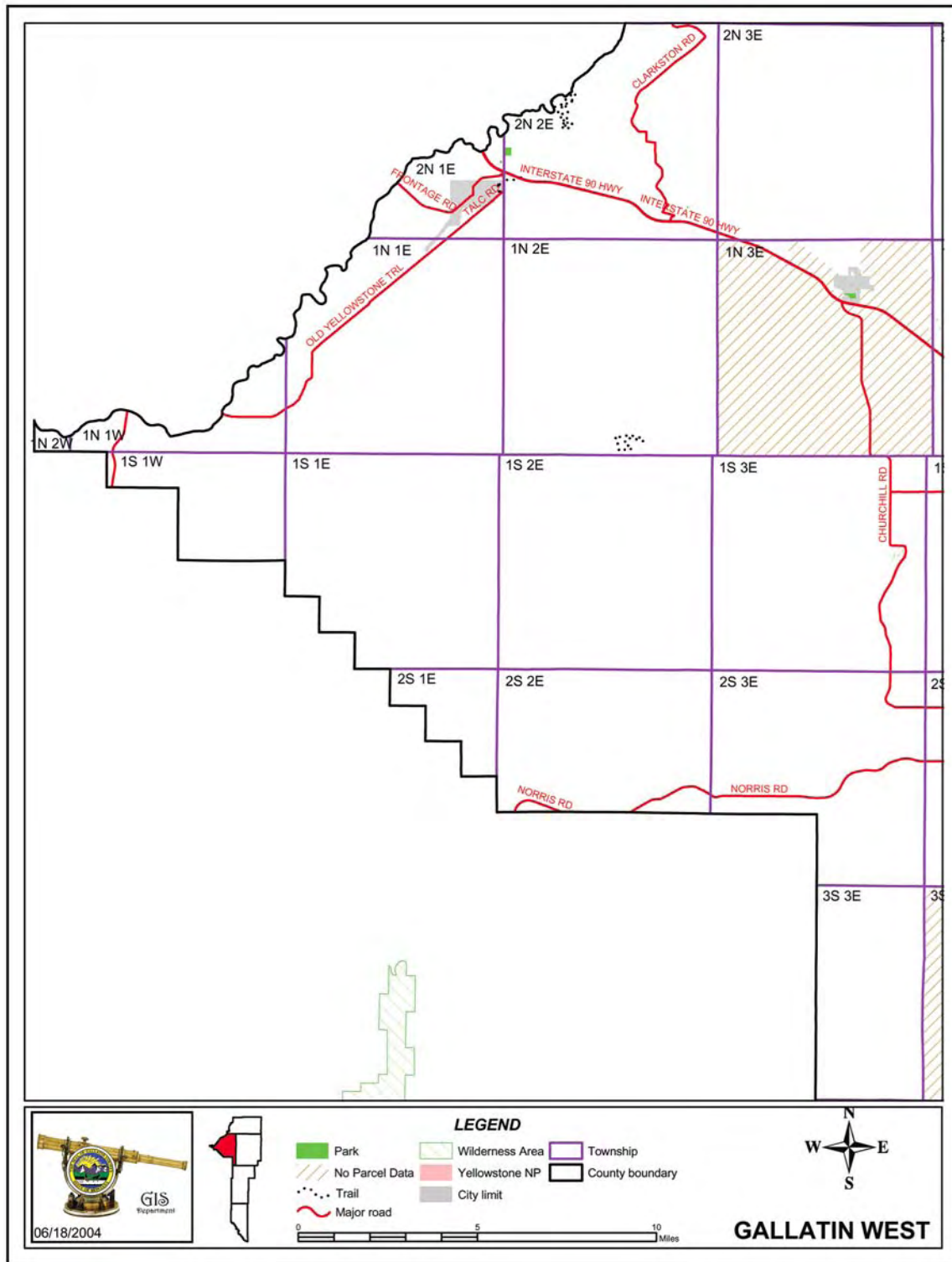
# Gallatin Canyon



# Gallatin East



# Gallatin West



## Bibliography and List of Surveys

### Bibliography

**The Gallatin County Outdoor Recreation and Open Space Plan**, adopted March 5, 1980 by the Gallatin County Commission

**The Gallatin County Outdoor and Recreation and Open Space Plan**, adopted December 19, 1989 by the Gallatin County Commission

**Gallatin County Growth Policy** adopted in 2001, states (Chapter 8, 8.6) It is the goal of the Growth Policy to “plan for a range of recreational opportunities to meet the present and future needs of County Residents: Further Gallatin County intends to appoint an advisory committee to develop a comprehensive county park, recreation and open space plan, and upon completion, to amend the Growth Policy to adopt recommendations of the plan.

**Gallatin County Subdivision and Zoning Regulations** Page 58-60. Section G- Park Requirements, Page 60-62 Section H-Trails

**Gallatin County Trail Plan**, adopted 2003

**Compton, John L. 1999. Financing and Acquiring Park and Recreation Resources.** Human Kinetics, Champaign, IL. 535 pp.

### Recent Surveys to date

- Trust for Public Lands, April 2000
- County Survey for LWCF grants, January 2004
- County Open Space Survey-Moore Information Survey 2004



## APPENDIX

### **Appendix A.** **The Gallatin County Outdoor and Recreation and Open Space Plan Goals and Objectives**

1. Determine what types of park, recreation, and open space areas and facilities are needed in Gallatin County.
2. Provide a range of indoor and outdoor recreation facilities to meet the present and future needs of County residents.
3. Develop an inventory of County Recreation sources.
4. Establish a park classification and standards system that will serve as a basis for future recreation planning efforts.
5. Establish criteria for the sale and or exchange of County parklands
6. Establish criteria for the location and development of County parks and County Subdivision parks.
7. Establish criteria for accepting parkland during the Subdivision review process.
8. Establish criterion for disbursing County Park Fund monies.
9. Support the development of a system of linear recreation trails and bikeways that link parks, schools and residential areas.
10. Establish and preserve natural and open space areas through zoning, acquisition, conservation easements, grants, donations, transfer of development rights, and other means to prevent undesirable land uses in ecologically sensitive areas, such as riparian and wetland uses.
11. Preserve areas identified as having historic and or archeological significance.
12. Recommend alternative sources of funding for recreation needs.
13. Provide for access and use by handicapped persons of all County park facilities.
14. Encourage volunteer participation in the creation, development and management of County recreational facilities.
15. Support the development and use of the county fairgrounds for multi-purpose ball fields.
16. Establish regulations and adopt a lease policy for use of county parks.
17. Prepare a directory of county owned parks and identify each park with signs and boundary markers.

**Appendix B.**  
**Montana Code Related to County Board of Park Commissioners**

**7-16-2322. Rules and ordinances to implement part.** (1) (a) A county park board, in addition to powers and duties now given under law, has the following powers and duties:

- (i) to make rules necessary or convenient to protect and promote the improvement of land and facilities under the care and control of the board and for the protection of birds and animals inhabiting or frequenting land and facilities in parks and public places;
- (ii) to make rules for the use of land and facilities by the public; and
- (iii) to provide penalties for the violation of the rules.

(b) The rules authorized by subsection (1) have the force of resolutions of the county commissioners.

(2) The county governing body, by the adoption of an ordinance in substantial compliance with the provisions of 7-5-103 through 7-5-107, may:

(a) provide that violations of specific rules adopted pursuant to subsection (1) constitute criminal offenses and are punishable as provided in 7-5-109; and

(b) authorize a county park board to employ a county park warden to enforce park rules and ordinances. A county park warden is not a peace officer, as defined in 46-1-202. The law enforcement powers of a park warden are limited to issuing citations charging violations of park ordinances and rules.

**7-16-2323. Leasing of county land for nonpark purposes.** A county park board, in addition to powers and duties now given under law, shall have the power and duty to lease lands owned by the county, heretofore acquired for parks, which, in the judgment of the board, it shall not be advisable to improve as parks, upon such terms and conditions as the board shall deem to be for the best interests of the county. Such lands shall not be leased for a longer time than 5 years and not for a longer time than 1 year without the concurrence of two-thirds of the entire board of park commissioners.

**7-16-2324. Sale, lease, or exchange of dedicated park lands.** (1) For the purposes of chapter 8, part 25, and this section, lands dedicated to the public use for park or playground purposes under 76-3-621 or a similar statute or pursuant to any instrument not specifically conveying land to a governmental unit other than a county are considered county lands.

(2) A county may not sell, lease, or exchange lands dedicated for park or playground purposes except as provided under chapter 8, part 25, and this section.

(3) Prior to selling, leasing, or exchanging any county land dedicated to public use for park or playground purposes, a county shall:

- (a) compile an inventory of all public parks and playgrounds within the county;
- (b) prepare a comprehensive plan for the provision of outdoor recreation and open space within the county;
- (c) determine that the proposed sale, lease, or exchange furthers or is consistent with the county's outdoor recreation and open space comprehensive plan;
- (d) publish notice as provided in 7-1-2121 of intention to sell, lease, or dispose of the park or playground lands, giving the people of the county opportunity to be heard regarding the action;
- (e) if the land is within an incorporated city or town, secure the approval of the governing body for the action; and
- (f) comply with any other applicable requirements under chapter 8, part 25.

(4) Any revenue realized by a county from the sale, exchange, or disposal of lands dedicated to public use for park or playground purposes must be paid into the park fund and used in the manner prescribed in 76-3-621 for cash received in lieu of dedication.

**7-16-2325. Power of park board to employ persons and to make contracts.** (1) A county park board, in addition to powers and duties now given under law, shall have the following powers and duties:

(a) to employ and discharge workmen, laborers, engineers, foresters, and others and to fix their compensation;

(b) to make all contracts necessary or convenient for carrying out any and all of the powers conferred and duties enjoined upon said board by this part.

(2) All contracts made by said board shall be in the name of the county and shall be signed by the president or, in his absence, by the vice-president of said board, or upon approval by a majority of the members of the board of park commissioners at a regular meeting of the board at which a quorum is in attendance and voting and with due notice and report being made to the board of county commissioners, such contracts may be signed by the chairman of the board of county commissioners and attested by the county clerk and recorder.

(3) No order or resolution authorizing the making of any contract shall be passed or adopted except by a yea and nay vote, which vote shall be recorded in full in the minutes of the secretary.

**7-16-2327. Indebtedness for park purposes.** (1) Subject to the provisions of subsection (2), a county park board, in addition to powers and duties given under law, may contract an indebtedness on behalf of a county, upon the credit of the county, in order to carry out its powers and duties.

(2) (a) The total amount of indebtedness authorized to be contracted in any form, including existing indebtedness, may not at any time exceed 0.79% of the total assessed value of taxable property, determined as provided in 15-8-111, within the county, as ascertained by the last assessment for state and county taxes prior to the incurring of the indebtedness.

(b) Money may not be borrowed on bonds issued for the purchase of lands and improving the land for any purpose until the proposition has been submitted to the vote of those qualified under the provisions of the state constitution to vote at the election in the affected county and a majority vote is cast in favor of the bonds.

**7-16-2328. Park fund to be maintained.** All money raised by tax for park purposes or received by the board of park commissioners from the sale of hay, trees, or plants or from the use of or leasing of lands and facilities shall be paid into the county treasury. The county treasurer shall keep all such money in a separate fund to be known as the park fund.

**7-16-2329. Limitation on incurred liability.** The board of park commissioners shall have no power to incur liability on behalf of the county in excess of money on hand in or taxes actually levied for said park fund.

**7-16-2330. Allowance of claims.** (1) Subject to the provisions of subsection (2), the board of park commissioners shall, at its first regular meeting in each month, audit and allow all just claims against the county, liability for which shall have been incurred by said board.

(2) No claim shall be audited or paid until an itemized account of such claim, in writing and signed by the claimant or his or its authorized agent, shall have been filed in the office of the secretary of said board.



(3) No order or resolution providing for the payment or expenditure of money or creating an obligation in excess of the sum of \$25 shall be passed or adopted except by a ye and nay vote, which vote shall be recorded in full in the minutes of the secretary.

**7-16-2331. Disbursement of money.** All money paid out by the park commissioners under the provisions of this part shall be by warrant drawn upon the county treasury, which may be signed by the secretary and countersigned by the president or, in his absence, by the vice-president of the board of park commissioners. Upon approval by a majority of the members of the board of park commissioners at a regular meeting of the board at which a quorum is in attendance and voting and with due notice and report being made to the board of county commissioners, payments so authorized may be made by warrant drawn upon the county treasury, signed by the chairman of the board of county commissioners and countersigned by the county clerk and recorder.

**7-16-2332. Acceptance of federal aid authorized.** The park commissioners shall have authority to accept grants or loans from the United States government, subject to agreements in conformance to federal laws and regulations relating thereto, notwithstanding any provision of this part or other state statutes to the contrary.

**7-16-2102. Authorization for tax levy or fee per household for parks and certain cultural, social, and recreational facilities.**

(1)(a) Subject to 15-10-420, the board of county commissioners may annually levy on the taxable property of the county; or

*(b) annually assess a fee on each household* in the same manner and at the same time as other county taxes are levied, a tax for the purpose of maintaining, operating, and equipping parks, cultural facilities, and any county-owned civic center, youth center, recreation center, recreational complex, or any combination of purposes, parks, and facilities.

(2) (a) The board of county commissioners shall submit the question of imposing or the continued imposition of the property tax mill levy or *fee per household* provided in subsection (1) to the electors of the county at the next general election if a petition requesting an election, signed by at least 15% of the resident taxpayers of the county, is filed with the county clerk. The petition must be filed with the county clerk at least 90 days prior to the date of the general election.

(b) The question must be submitted as provided in 15-10-42515-10-425.

(c) The board of county commissioners shall levy the tax or *fee per household* if the question for the imposition of the tax or fee is approved by a majority of the electors voting on the question.

(3) All laws applicable to the collection of county taxes apply to the collection of the tax provided for in this section.

**Appendix C.**  
**Montana Code Related to a Parks District**

**7-16-2401. Park and recreation land -- definition.** As used in this part, "park and recreation land" means real property, buildings, and fixtures on:

- (1) land designated as park land or recreational land by the grant or deed of such land to the county;
- (2) land owned, leased, or otherwise possessed by a county and which the governing body of a county has designated as park or recreational land;
- (3) land belonging to a public or private entity or person who has donated the recreational rights to such land to a county park district on behalf of the county; or
- (4) land which, by agreement between an owner of land and a county park district, the district may use for park or recreational purposes.

**7-16-2402. Duties of county park district.** A county park district shall operate and maintain park and recreation land within the district and may conduct such programs relating to parks and recreation and make such improvements to such land as the county park district commissioners consider appropriate.

**7-16-2403. Territory of county park district.** A county park district may contain the entire territory of a county, a part of a county, or territory in more than one county. A county park district may include incorporated municipalities within a county.

**7-16-2411. Creation of county park district.** (1) Proceedings for the creation of a county park district may be initiated by:

- (a) a petition signed by 10% or more of the qualified electors of the proposed park district; or
  - (b) a resolution of intent adopted by the county governing body, calling for the creation of a county park district.
- (2) The petition or resolution must contain:
- (a) the boundaries of the proposed district;
  - (b) subject to 15-10-420, the proposed property tax mill levy that could be levied on property owners within the district or the proposed maximum fee on each household within the proposed district for the operation of the district; and
  - (c) the proposed number of members of the county park district commission. The number of members must be an odd number and may not be less than three.
- (3) When the territory to be included in the proposed district lies in more than one county, a petition must be presented to the governing body of each county in which the territory lies. Each petition must be signed by 10% or more of the qualified electors of the territory within the county proposed to be included in the district.
- (4) Upon receipt of a petition for the creation of a county park district, the county clerk shall examine it and within 15 days either reject the petition if it is insufficient under the provisions of subsection (1), (2), or (3) or certify that the petition is sufficient and present it to the county governing body at its next meeting.
- (5) The text of the petition or resolution must be published as provided in 7-1-2121 in each county in which the territory of the proposed district lies.
- (6) At the hearing, the county governing body shall hear:
- (a) testimony of all interested persons on whether a county park district should be created;
  - (b) testimony regarding the proposed boundary, the property tax mill levy or proposed fee on each household within the proposed district, and the number of members of the

district commission; and

(c) any other matter relating to the proposed district.

(7) After the hearing, if the county governing body determines that the proposed park district should be created, it shall by resolution:

(a) set the boundaries of the proposed park district;

(b) set the mill levy or maximum fee on each household for the proposed park district;

(c) set the number of members to be on the district commission; and

(d) call for an election on the question of whether to create the county park district.

The election must be held as provided in 15-10-425.

**7-16-2412. Election on creation of district.** (1) The election on the question of whether to create a county park district must be conducted as provided in Title 13.

(2) Only qualified electors residing within the proposed park district may vote on the question of whether to create the district.

(3) The question of creating a county park district must be submitted to the electors as provided in 15-10-425.

**7-16-2413. Formation of county park district -- appointment of initial commission.**

(1) If a majority of the votes cast at the election in each municipality or part of a municipality and in the unincorporated territory of each county included in the proposed district approve the formation of the park district, the governing body of each county shall, within 10 days of receipt of the official canvass of the result, certify that the district is formed.

(2) Within 30 days after the certification of the formation of the district, the governing body of each county with territory included in the district shall jointly appoint the initial members of the county park district commission. The members shall serve until their successors are elected and qualified.

**7-16-2421. Election or appointment of commissioners.** (1) After appointment of the initial commission and except in the case of vacancies, all members of the county park district commission must be elected by the electors of the district.

(2) The election of members to the commission must be held in conjunction with the school elections held pursuant to 20-3-304.

(3) Candidates for the office of member of the county park district commission must be nominated by petition filed with the office of the election administrator not earlier than 135 days or later than 75 days prior to the election day and signed by at least five electors of the district.

(4) If the county park district lies in more than one county, the petition for nomination must be presented to the election administrator whose county contains the largest percentage of the territory of the district.

(5) If the number of candidates is equal to or less than the number of positions to be elected, the election administrator may cancel the election in accordance with 13-1-304. If an election is not held, the county governing body shall declare elected by acclamation each candidate who filed a nominating petition for a position. If no nomination petition is filed for an office, the county governing body shall appoint a member to fill the term. A person appointed pursuant to this subsection has the same term and obligations as a person elected to fill the office.

(6) The term of office of elected members commences upon their being elected and qualified. The term of office of an elected member of the county park district commission is 4 years, except that a simple majority of the members of the first elected board shall serve terms of 2 years, with a minority of the board serving terms of 4 years. The

members serving 2-year terms must be selected by lot.

(7) A vacancy occurring during the term of office of a member must be filled by appointment by the remaining members of the commission. The term of the appointed member expires upon the election and qualification of an elected successor or upon the election of a member to fill the unexpired term of the vacant office. The election must be held at the next scheduled school election held pursuant to 20-3-304.

**7-16-2422. Compensation of members of county park district commission.** Members of a county park district commission serve without compensation.

**7-16-2423. Powers of county park district commission.** A county park district commission has all powers necessary for the betterment, operation, maintenance, and administration of park and recreation land within the territory of the district. In the exercise of this general grant of powers, the county park district commission may:

- (1) employ or contract with administrative, professional, and other personnel necessary for the operation of the district;
- (2) lease, purchase, or contract for the purchase of personal property, including property that after purchase constitutes a fixture on real property;
- (3) lease, purchase, or contract for the purchase of buildings and facilities on lands controlled by the district and equip, operate, and maintain the buildings and facilities;
- (4) adopt by resolution rules for the operation and administration of all parks and recreational facilities under its control;
- (5) impose by resolution and collect charges for those services and facilities provided by the district that the commission considers necessary for the prudent operation of the district;
- (6) subject to 15-10-420, establish a property tax mill levy for the operation of the district as provided in 7-16-2431;
- (7) establish a fee on each household for the operation of the district as provided in 7-16-2431;
- (8) enter into agreements with any public or private entity or person for the operation of parks or recreational areas either by the district on behalf of the landowner or by another entity on behalf of the district;
- (9) with the concurrence of the county governing body or bodies, accept donations of land or recreational-type easements on land within the district for park or recreational purposes on behalf and in the name of the county or counties;
- (10) accept donations and devises of money or personal property.

**7-16-2431. District budget -- property tax levy or fee on household.** (1) The county park district commission shall annually prepare a budget for the ensuing fiscal year and present the budget to the governing body of each county with territory included in the district at the regular budget meetings as prescribed in Title 7, chapter 6, part 40, and certify the amount of money necessary for the operation of the district for the ensuing fiscal year.

(2) (a) Subject to 15-10-420, the county governing body shall, annually at the time of levying county taxes, fix and levy a tax in mills on all taxable property within the district taking into account the amount certified by the county park district commission.

(b) The county governing body shall annually assess a fee on each household taking into account the amount certified by the county park district commission. The fee must be assessed at the time of levying county taxes.

**7-16-2433. Park district bonds authorized.** (1) A county park district may borrow money by the issuance of its bonds to provide funds for payment of all or part of the cost

of construction, acquisition, furnishing, equipping, extension, and betterment of park facilities and to provide an adequate working capital for park facilities.

(2) The amount of bonds issued for the purposes provided in subsection (1) and outstanding at any time may not exceed 1.22% of the total assessed value of taxable property, determined as provided in 15-8-111, within the district, as ascertained by the last assessment for state and county taxes prior to the issuance of the bonds.

(3) The bonds must be authorized, sold, and issued and provisions made for their payment in the manner and subject to the conditions and limitations prescribed for bonds of school districts by Title 20, chapter 9, part 4.

**7-16-2441. Alteration of district boundaries.** (1) The boundaries of a county park district may be enlarged by the annexation of contiguous territory in the county or it may be reduced in size by the withdrawal of territory from the district after an election on the question approved by simple majorities of the electorate involved.

(2) The alteration of the district boundary may be initiated in the same manner as the creation of the district, except the applicable resolutions, hearings, and procedures must be adopted and conducted by the county park district commission and not by the county governing body. If the alteration is proposed by petition, the petition must be signed by 15% of the electorate in the territory to be annexed or withdrawn from the district and certified as sufficient by the county clerk.

(3) (a) In the case of annexation, the vote on the question requires the separate majorities of the electorate of the territory to be annexed and the electorate of the then constituted district.

(b) In the case of withdrawal of territory, only the electorate of the territory to be withdrawn may vote on the question.

(4) A change in the boundaries of a district is effective on January 1 of the year following the election authorizing the change in boundaries.

**7-16-2442. Dissolution of county park district.** (1) A county park district may be dissolved after an election on the question of dissolving the district. The process of dissolving the district may be initiated by a petition of 25% of the electorate of the district or by a resolution of intent to dissolve the district adopted by either the county park district commission or the county governing body.

(2) Upon receipt of a petition that has been certified by the county clerk as sufficient under this section or upon the adoption of a resolution of intent, the county governing body shall call a public hearing on the question of dissolving the district and publish a notice of the hearing as provided in 7-1-2121.

(3) At the public hearing, the county governing body shall hear testimony of interested persons regarding the dissolution of the district. After the public hearing, the county governing body may either submit the question of dissolving the district to the electorate of the district or it may call for a public hearing on the question of altering the boundaries of the district. If the county governing body calls for a public hearing on the question of altering the boundaries of the district by withdrawal of territory, it shall publish notice of the hearing as provided in 7-1-2121. The notice must state the boundaries of the area proposed to be withdrawn from the district. After hearing testimony at the hearing, the county governing body may submit the question of either dissolving the district or altering the district by withdrawal of specified territory from the district to the electorate of the district.

(4) The question must be submitted by a resolution calling for an election on either dissolving the district or altering the boundaries of the district by withdrawal of land from

the district. The county governing body shall schedule the election in conjunction with any other regularly scheduled election. The election on the question must be conducted as provided in Title 13.

(5) The question of withdrawal of territory under this section must be voted on separately by the electorate of the territory to be withdrawn and the electorate of the balance of the territory of the district. The question fails unless a simple majority of those voting on the question in each of the two territories authorize altering the district boundary. If the question passes, the boundary alteration is effective the following January 1. If the question fails, the county governing body shall by resolution call for an election on the question of dissolving the district.

**7-16-2443. Effect of dissolution.** (1) If dissolution of a county park district is authorized by a majority of the electorate of the district, the county governing body shall order the dissolution and file the order with the county clerk. The dissolution is effective upon the earlier of the following:

- (a) 6 months after the date of filing of the order; or
- (b) certification by the members of the county park commission that all debts and obligations of the district have been paid, discharged, or irrevocably settled.

(2) (a) If debts or obligations of the district remain unsatisfied after the dissolution of the district, the county governing body shall, subject to 15-10-420 and for as long as necessary, levy a fee on each household or a property tax on all taxable property that is in the territory formerly comprising the district in a sufficient amount to be used to discharge the debts of the former district.

(b) If the electors of the district lowered the amount to be levied for the operation of the district within 2 calendar years prior to the election authorizing the dissolution, the county governing body may, subject to 15-10-420, levy a property tax not to exceed the levy authorized prior to the reduction of the levy for the discharge of the district's obligations if the obligations are bonds.

(3) Any assets of the district remaining after all debts and obligations have been discharged become the property of the county.

**Appendix D.**  
**Montana Code Related to a Levy for Parks**

**7-16-2102. Authorization for tax levy for parks and certain cultural, social, and recreational facilities.** (1) Subject to 15-10-420, the board of county commissioners may annually levy on the taxable property of the county, in the same manner and at the same time as other county taxes are levied, a tax for the purpose of maintaining, operating, and equipping parks, cultural facilities, and any county-owned civic center, youth center, recreation center, recreational complex, or any combination of purposes, parks, and facilities.

(2) (a) The board of county commissioners shall submit the question of imposing or the continued imposition of the property tax mill levy provided in subsection (1) to the electors of the county at the next general election if a petition requesting an election, signed by at least 15% of the resident taxpayers of the county, is filed with the county clerk. The petition must be filed with the county clerk at least 90 days prior to the date of the general election.

(b) The question must be submitted as provided in 15-10-425.

(c) The board of county commissioners shall levy the tax if the question for the imposition of the tax is approved by a majority of the electors voting on the question.

(3) All laws applicable to the collection of county taxes apply to the collection of the tax provided for in this section.

**Appendix E.**  
**A Resolution of the Gallatin County Commissioners Creating a Board of Park Commissioners**

SAMPLE

RESOLUTION NO. 2004-

**A RESOLUTION OF THE GALLATIN COUNTY COMMISSIONERS  
CREATING A BOARD OF PARK COMMISSIONERS**

WHEREAS, the Gallatin County Commissioners created the Gallatin County Parks and Trails Task Force on April 1, 2003, and charged the Parks and Trails Task Force with making recommendations to the County Commission on ways to fund, administer, and maintain Parks and Trails in Gallatin County; and

WHEREAS, on July 20, 2004, the Parks and Trails Task Force issued its Report of Recommendations; and

WHEREAS, on \_\_\_ this day, \_\_\_\_\_, 2004 the Gallatin County Commissioners accepted the Report of Recommendations of the Gallatin County Parks and Trails Task Force to the Gallatin County Commission.

WHEREAS, the Report of Recommendations of the Gallatin County Parks and Trails Task Force contains many action items that require expeditious action and a commitment of time to accomplish; and

NOW, THEREFORE BE IT RESOLVED:

1. The Gallatin County Commission adopts the authority provided for under the Board of Park Commissioners, Sections 7-16-2301, MCA,

2. The Gallatin County Board of Park Commissioners shall consist of not more than 7 members to be appointed by and serve at the will of the Gallatin County Commission.

3. The Board of Park Commissioners shall have the authority to act in accordance with the purposes of:

1. To make rules necessary or convenient to protect and promote the improvement of land and facilities under the care and control of the board and for the protection of birds and animals inhabiting or frequenting land and facilities in parks and public places
2. To make rules for the use of land and facilities by the public
3. To provide penalties for the violation of the rules.



4. Selling, leasing, or exchanging any county land dedicated to public use for park or playground purposes by:
- (a) compiling an inventory of all public parks and playgrounds within the county;
  - (b) prepare a comprehensive plan for the provision of outdoor recreation and open space within the county;
  - (c) determine that the proposed sale, lease, or exchange furthers or is consistent with the county's outdoor recreation and open space comprehensive plan;
5. The Gallatin County Commission reserves unto itself all powers that directly and indirectly impacts public funds not specifically appropriated in an approved budget for the County Board of Park Commissioners and those powers specified under Section 7-16-2102, MCA,
- a) Annually assess a fee on each household in the same manner and at the same time as other county taxes are levied, a tax for the purpose of maintaining, operating, and equipping parks, cultural facilities, and any county-owned civic center, youth center, recreation center, recreational complex, or any combination of purposes, parks, and facilities.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2004.

BOARD OF COUNTY COMMISSIONERS OF  
GALLATIN COUNTY

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John Vincent, Chairman